

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CHRISTOPHER JOHN DIAZ-CASTRO,

Case No. 2:23-cv-01508-ART-BNW

Petitioner,

ORDER

BRIAN WILLIAMS, *et al.*,

Respondents.

Petitioner Christopher John Diaz-Castro, a *pro se* Nevada prisoner, commenced this action by filing a Petition for Writ of Habeas corpus (ECF No. 1-1) as well as an Application for Leave to Proceed *In Forma Pauperis* ("IFP") ECF No. 4).

I. IFP Application

A \$5.00 filing fee is required to initiate a habeas action in a federal district court. 28 U.S.C. § 1914(a); Judicial Conference Schedule of Fees. The Court may authorize a person to begin an action without prepaying fees and costs if the person demonstrates indigency. 28 U.S.C. § 1915; LSR 1-1, 1-2. The IFP application must be submitted on the form provided by the court and include specific financial information and a declaration confirming under the penalty of perjury that the financial information is true. *Id.*

Although Petitioner submitted the required form, the supporting documents show he is able to pay the \$5 filing fee. Thus, he does not qualify for a fee waiver. The Court therefore denies the IFP application and gives Petitioner until 45 days from the date of entry of this order to pay the \$5 filing fee.

II. Conclusion

It is therefore ordered that Petitioner's Application for Leave to Proceed *In Forma Pauperis* (ECF No. 4) is denied.

It is further ordered that Petitioner must pay the \$5.00 filing fee within 45 days of the date of this order.

It is further ordered that if Petitioner fails to timely and fully comply with this order, the Court will dismiss this action without prejudice and without further advance notice.

DATED THIS 16th day of October, 2023.

Anne Russell

ANNE R. TRAUM
UNITED STATES DISTRICT JUDGE